



AGENDA
CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL
MONDAY, MARCH 24, 2014 5:30 PM

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PROCLAMATIONS:

3. PRESENTATIONS:

A. Request by Chuck Johnson to reduce or eliminate fees of \$6,500 for remodeling the building at 503 North 13th Street to be the new location for the charitable Leesburg Food Bank

B. Update - Venetian Garden's Master Plan, Greg Beliveau - LPG Planners

4. CONSENT AGENDA:

Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call

A. CITY COMMISSION MEETING MINUTES: None

B. PURCHASING ITEMS:

1. Purchase request by the Information Technology Department for the purchase of network hardware from Veytec for a total cost of \$35,609.20.

C. RESOLUTIONS:

1. Resolution of the City Commission of the City of Leesburg authorizing the Mayor and City Clerk to execute an interlocal agreement with the Lake-Sumter MPO for pavement management services for a cost not to exceed \$40,509.
2. Resolution of the City Commission of the City of Leesburg, authorizing the Mayor and City Clerk to execute an easement and maintenance agreement between Leesburg Regional Medical Center, Inc., and the City of Leesburg

D. OTHER ITEMS:

5. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

A. Land Development Code Amendments

1. Second reading of an ordinance amending the Land Development Code Chapter 25 by adding Section 25-288 (S) to allow temporary agricultural uses.
2. Second reading of an ordinance amending the Land Development Code Chapter 25 by amending Section 25-290 Temporary Uses to clarify temporary outdoor sales promotions for local auto dealers for their inventory only while restricting non-local dealers.
3. Second reading of an ordinance amending the Code of Ordinance by deleting Chapter 6 Subsection 6-41 and Chapter 25 Subsection 25-292 (4) and adding a new revised Subsection (4) The Keeping of Domestic Animals and Fowl to provide for backyard chickens.
4. Second reading of an ordinance amending Chapter 25 Land Development Code by revising Section 25-292 Supplemental District Requirements (21) Indoor recreation to address Adult Gaming Centers.
5. Second reading of an ordinance amending the Land Development Code Chapter 25 by adding Section 25-164 Nonconforming properties and Section 25-325 Nonconforming Landscaping to require that nonconforming sites that are abandon for a one (1) year period be brought in to compliance for corridor landscaping and monument signage when opening a new use.
6. Second reading of an ordinance amending Chapter 25 Land Development Code Section 25-292 Supplemental district requirements by adding (23) Outdoor Sales Display and Storage requirements.

B. First reading of an ordinance of the City of Leesburg, Florida, amending Chapter 25 Zoning Section 25-292 by adding a new Subsection 22 Location of Helicopter Landing Areas in a PUD (Planned Unit Development) zoning district.

C. Second reading of an ordinance rezoning approximately 42 acres generally located east side of Fern Drive, north of Sunnyside Drive, to add a PDO (Planned Development Overlay) district to a R-2 (Medium Density Residential) District to change the buffer wall to a split rail stone and PVC fence design. (Ashton Woods)

D. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Task Order 1 with Jones Edmunds & Associates, Inc. for professional engineering services related to the Avante Sewer Line Relocation and Rehabilitation Project for a cost not to exceed \$29,830.00; and providing an effective date.

E. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Task Order 2 with Jones Edmunds & Associates, Inc. for professional engineering services related to the Oak Drive Water Main Upgrade Project for a cost not to exceed \$43,660.00; and providing an effective date.

6. INFORMATIONAL REPORTS:

The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

A. Miscellaneous Accounts Receivable Customers with City Attorney

B. Expected Write-offs as of January 2014

C. Report of Receipts and Disbursements by Fund January 2014

D. City Manager Contingency Fund

7. CITY ATTORNEY ITEMS:

8. CITY MANAGER ITEMS:

9. PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.

10. ROLL CALL:

11. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.



AGENDA MEMORANDUM

Item No: 3B.

Meeting Date: March 24, 2014

From: Al Minner

Subject: Venetian Gardens Master Plan

Analysis:

At your meeting on March 24, 2014, Greg Beliveau from LPG Urban and Regional Planners will be giving a brief update on the Master Plan activities for Venetian Gardens. The public meetings are scheduled for Saturday April 5, 12 and 19.

Options:

No formal action is required on this item.

Fiscal Impact:

Submission Date and Time: 3/19/2014 3:14 PM

Department: _____	Reviewed by: Dept. Head _____	Account No. _____
Prepared by: _____		
Attachments: Yes___ No___	Finance Dept. _____	Project No. _____
Advertised: ___ Not Required ___		
Dates: _____	Deputy C.M. _____	WF No. _____
Attorney Review : Yes___ No___	Submitted by: _____	Budget _____
	City Manager _____	Available _____
Revised 6/10/04		



AGENDA MEMORANDUM

Item No: 4.B.1.

Meeting Date: March 24, 2014

From: Tino Anthony, Interim Director Information Technology

Subject: Purchase request for computer network switch hardware

Staff Recommendation:

Staff recommends approval of the purchase to Veytec, Inc. for \$35,609.20.

Analysis:

This purchase is to replace existing network switch hardware located in City Hall, which is approaching the end of its product life cycle. The hardware will soon no longer be serviced by the manufacturer, Cisco.

In order to significantly decrease the probability of a service interruption at our City Hall Facility which will impact Customer Service, Finance, City Administration, and City Clerk as a result of City fiber being compromised, a new CISCO switch must be installed and configured. The desired redundant ring connection will also solve some of our disaster recovery and security issues that have been noted in previous security and disaster recovery audits.

Procurement Analysis:

This purchase is being made using the State of Florida contract number 250-000-09-1 for IT Infrastructure and Hardware. The State of Florida Department of Management Services (DMS) provides purchase agreements for state agencies and Other Eligible Users (OEU) to use for purchases. The City, as a local municipal government, is an OEU and is making the purchase from the referenced contract in lieu of a competitive solicitation.

Options:

1. Approve the purchase request to Veytec, Inc. for \$35,609.20; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funds are available in the current budget.

Submission Date and Time: 3/19/2014 3:14 PM

Department: <u>Information Technology</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes___ No <u>X</u> Advertised: ___ Not Required <u>X</u> Dates: _____ Attorney Review : Yes___ No ___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>001-1633-513.64-10</u> Project No. <u>GFASST</u> WF No. <u>WF0866140 / 001</u> Budget <u>\$35,610.00</u> Available <u>\$35,610.00</u>
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AGENDA MEMORANDUM

Item No: 4.C.1.

Meeting Date: March 24, 2014

From: DC Maudlin, Public Works Director

Subject: A resolution authorizing execution of an Interlocal Agreement with Lake – Sumter MPO for Pavement Management Services

Staff Recommendation:

Staff recommends approval of an interlocal agreement with the Lake-Sumter MPO for pavement management services for a fee not to exceed \$40,509.

Analysis:

Leesburg maintains approximately 85 centerline miles of paved roads. Each year staff selects approximately 4.5 miles of city roads for resurfacing. In 2008 the city hired PBS&J to conduct an assessment of city roads and develop a data base to be used to select roads for resurfacing. The data base is now 7 years old and no longer reflects the condition of city roads. In addition, while we have a data base, we don't have a pavement management system that assists staff by making recommendations across the spectrum of pavement maintenance operations.

The Lake–Sumter MPO is offering pavement management services to members. The services include a 100% assessment of city streets, cataloging the condition of city streets into an interactive data base and development of a 5 year paving master plan. Using pavement management software called MicroPAVER we will be able to input our expected funding level and the software will make maintenance recommendations that will optimize the overall condition of our streets. Recommendations could range from early life cycle pavement rejuvenators, to sealing, to overlaying, to milling and overlaying, to complete reconstruction.

This is a capability we currently do not have. In light of the pending reduction in our gas tax allocation, this capability will greatly improve our ability to manage our maintenance program and mitigate the impact of reduced funding.

The consultant, Venasse Hangen Brustlin, Inc. (VHB) was selected by the MPO through a competitive selection process in accordance with the Consultants Competitive Negotiation Act (CCNA). Their contract is with the MPO and their work will be managed by the MPO project manager.

Options:

1. Authorize execution of the interlocal agreement with the Lake-Sumter MPO, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

This was not included in the current budget, but Local Option Gas Tax funds are available to fund this expense. A budget adjustment will be necessary to increase the budget.

Submission Date and Time: 3/19/2014 3:14 PM

Department: Public Works Prepared by: DC Maudlin Attachments: Yes X No _____ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes___ No ___ _____ Revised 6/10/04	Reviewed by: Dept. Head DCM Finance Dept. <u>BLM,</u> _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>001-5112-541-3110</u> _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE
LAKE-SUMTER MPO FOR PAVEMENT MANAGMENT
SERVICES FOR A COST NOT TO EXCEED \$40,509, AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an interlocal
agreement with Lake-Sumter MPO whose address is 1616 South 14th Street, Leesburg, Florida,
34748, for pavement management services.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a
regular meeting held the 24th day of March 2014.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.2

Meeting Date: March 24, 2014

From: Adrian Parker, Development Review Coordinator

Subject: Resolution authorizing an Easement and Maintenance Agreement with Leesburg Regional Medical Center, Inc., for a pedestrian traffic system.

Staff Recommendation:

Staff recommends approval of the Easement and Maintenance Agreement with Leesburg Regional Medical Center, Inc.

Analysis:

The Urgent Care Center project for LRMC has proposed a resilient surface perimeter sidewalk to allow more comfortable use of the sidewalk as an exercise path. Staff believes that it is appropriate to allow such alternatives under certain conditions.

Approval of this resolution will allow alternative materials to be used at the request of the developer. For any sidewalk for which alternative materials are allowed, the property owner must enter into a maintenance agreement with the City under which the property owner and successor owners shall bear all responsibility and expense for maintaining sidewalks constructed of alternative materials.

Options:

1. Approve the Easement and Maintenance Agreement with Leesburg Regional Medical Center, Inc.; or,
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact: None

Submission Date and Time: 3/19/2014 3:14 PM

Department: _____ Prepared by: _____ Attachments: Yes____ No____ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes____ No____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF LEESBURG, FLORIDA AUTHORIZING THE
MAYOR AND CITY CLERK TO EXECUTE AN
EASEMENT AND MAINTENANCE AGREEMENT WITH
LEESBURG REGIONAL MEDICAL CENTER, INC.; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an Easement and Maintenance agreement with Leesburg Regional Medical Center, Inc., whose address is 600 East Dixie Avenue, Leesburg, FL 34748 for a pedestrian traffic system.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 24th day of March, 2014.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 5.A.1.

Meeting Date: March 24, 2014

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending the Code of Ordinances Chapter 25 Land Development Code by adding Section 25-288 (s) to allow temporary agricultural uses

Staff Recommendation:

The Planning staff and Planning Commission recommend approval of the referenced amendment to Chapter 25 Land Development Code by adding Section 25-288 (s) Agricultural (temporary) uses to allow temporary agricultural uses in the RE-1 (Estate Density Residential) zoning district.

Analysis:

During the surge of development activity in 2004-2007, numerous annexations were completed for properties in southwest Leesburg along CR 470, CR 48, CR 33 and south to Austin Merritt Rd. Most of these properties were in agricultural use and did not have city utilities available for development, but property owners anticipated the two largest proposed developments (Renaissance Trails and Secret Promise) would be developed and bring utilities to their properties. With the recession of the last seven years, this has not happened. Many of these properties were taken back by the banks which did not preserve the agricultural tax exemptions on the properties. As the properties have been acquired by new owners, the need to revive the agricultural uses and tax exemptions until utilities are available for development has become apparent. As a result, staff has prepared this LDC amendment allowing temporary agricultural uses until the property is platted for development. This amendment gives property owners the ability to apply to the County for an agricultural tax exemption.

Planning Commission voted 7-0 to approve this amendment.

Options:

1. Approve the recommended amendment to the Code of Ordinances Chapter 25 Land Development Code Section 25-288.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There should be minimum fiscal impact to the City with this proposed change.

Submission Date and Time: 3/19/14 3:14 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <u> BW </u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AND/OR SUPPLEMENTING CHAPTER 25 ZONING OF THE CODE OF ORDINANCES SECTION 25-288 COMMERCIAL USES BY ADDING SUBSECTION (s) AGRICULTURAL (TEMPORARY) USES AS FOLLOWS, REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The following section of the Code of Ordinances of the City of Leesburg, Florida Chapter 25 are hereby amended or replaced as follows:

CHAPTER 25 ZONING CODE

Sec. 25-288 - Commercial uses.

- (s) Agricultural (temporary) uses.
 - (1) The following temporary agricultural uses maybe permitted in the RE-1 Residential Estate zoning district per the following restrictions:
 - a. Agricultural uses maybe permitted on a minimum of twenty (20) acres of non-platted property and per **Section 25-292-Supplemental District Requirements** (4) The keeping of domestic animals and fowl of the Code of Ordinances.
 - (2) The production for sale of crops, livestock or livestock products, which shall include but not be limited to:
 - a. Field crops, such as corn and hay;
 - b. Fruits, such as citrus, apples, peaches, grapes, tomatoes, grapes and berries;
 - c. Vegetables, such as beans, cabbage, carrots, beets and onions;
 - d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
 - e. Livestock and livestock products, including cattle, sheep, goats, horses, poultry, ratites birds such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, and eggs;
 - f. Aquaculture products, including fish, fish products, and water plants;
 - g. Woody biomass, which means short-rotation woody crops raised for bioenergy, and shall include farm woodland.
 - (3) Roadside stands that are used to show and sell products all of which are raised or produced on the land on which they are located.
 - (4) No "Animal Feeding Operation (AFO)" feedlots or facilities such as swine, poultry or cattle feedlots shall be permitted as defined below:
 - a. Where animals are confined for at least 45 days in a 12-month period, and
 - b. Where there is no grass or other vegetation in the confinement area during the normal growing season
 - c. Where Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility

- (5) The Community Development Director shall determine if other similar uses shall be permitted based on whether they meet the intent of this section.

SECTION II.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24th day of March, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor John Christian

Attest: _____
City Clerk Betty Richardson



AGENDA MEMORANDUM

Item No: 5.A.2.

Meeting Date: March 24, 2014

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance Amending the Code of Ordinances Chapter 25 Land Development Code by .amending Section 25-290 Temporary Uses to clarify permissible temporary events and outdoor sales promotions.

Staff Recommendation:

The Planning staff and Planning Commission recommend approval of the referenced amendment to Chapter 25 Land Development Code by amending **Section 25-290 Temporary Uses** to clarify permissible temporary events and outdoor sales promotions.

Analysis:

The staff recently realized the current Section 25-290 Temporary Uses of the Land Development Code was causing confusion regarding off site promotional sales for autos and needed to be clarified. Specifically, the area for outdoor sales promotions on developed and vacant properties for existing local businesses while restricting non-local businesses. For example, local auto dealers may have promotional sales on or off site for their inventory only while non-local dealers are restricted from sales in Leesburg. As a result, staff recommends amending the code for clarification.

The Planning Commission voted 7-0 to approve the amendment.

Options:

1. Approve the recommended amendment to the Code of Ordinances Chapter 25 Land Development Code Section 25-290 Temporary Uses.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There should be minimum fiscal impact to the City with this proposed change.

Submission Date and Time: 3/19/14 3:14 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <input type="checkbox"/> BW <input type="checkbox"/> Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AND/OR SUPPLEMENTING CHAPTER 25 ZONING OF THE CODE OF ORDINANCES SECTION 25-290 TEMPORARY USES BY AMENDING SUBSECTIONS (4) AND (5) AS FOLLOWS, REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The following section of the Code of Ordinances of the City of Leesburg, Florida Chapter 25 are hereby amended or replaced as follows:

CHAPTER 25 ZONING CODE

- (4) Other temporary uses. That are not of a seasonal nature shall ~~not~~ be permitted:
 - a. The following uses are identified as temporary uses:
 - 1. Outdoor product sales promotion for existing City of Leesburg operating businesses for their in store products (only on property of the business) with registration on the cities web site www.leesburgflorida.gov.
 - 2. Outdoor product sales promotion for products which are not offered by current City of Leesburg operating businesses as their primary product sales. Business must obtain a Business Tax Receipt and may operate on vacant property or at a public mall such as the Lake Square Mall, schools, college campus, churches, hospital such as the Leesburg Regional Medical Center, and in the Central Business District.
 - 3. As an extension of premises of an existing business in accordance with Chapter 5 Alcoholic Beverages Sec. 5-6.1 of the City of Leesburg Code of Ordinances.
 - 4. Fair, carnival, circus, revival, performance etc.
 - 5. Recreational vehicles for security in conjunction with an approved temporary use activity.
- (5) Temporary use requirements are as follows:
 - a. Use shall not be permitted for more than sixty (60) days within any one (1) calendar year except for construction trailers that are allowed until a project is completed.
 - b. Use shall not obstruct a right-of-way, sidewalk, or more than twenty (20) percent of required vehicular parking area.
 - c. One (1) free-standing sign or banner not exceeding twenty-four (24) square feet is permitted.
 - d. Off-street parking spaces shall be provided in accordance with Section 25-357.
 - e. Shall not be located within ten (10) feet of the property line boundary.
 - f. Shall be allowed on developed or vacant property per (6) below.

SECTION II.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed

invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24th day of March, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor John Christian

Attest: _____
City Clerk Betty Richardson

Note:

Under lines new language

~~Strikethroughs deletions~~



AGENDA MEMORANDUM

Item No: 5.A.3.

Meeting Date: March 24, 2014

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending the Code of Ordinance by deleting Chapter 6 Subsection 6-41 and Chapter 25 Subsection 25-292 (4) and adding a new revised Subsection (4) The Keeping of Domestic Animals and Fowl to provide for backyard chickens.

Staff Recommendation:

The Planning staff and Planning Commission recommend approval of the referenced amendment to Code of Ordinance Chapters 6 and 25 to provide for backyard chickens.

Analysis:

At the City Commission meeting February 24, 2014, the Commission tabled the amendment regarding backyard chickens to allow staff to meet with citizens that had questions and concerns on this amendment. Staff has since meet with the interested parties and resolved their concerns with additional revisions to the draft amendment. Since these revisions are in keeping with the intent of the Planning Commissions original recommendation, staff recommends adoption of the amendment revised. The general changes are the provision for flexibility in the requirements through written approval of adjacent property owners or through a Condition Use approval and the grandfathering of existing owners of backyard chickens. **The number of permitted chickens has been revised to fifteen (15) from the original five (5) as per the City Commission action on March 10, 2014.**

The Planning Commission voted 7-0 to approve the amendment.

Options:

1. Approve the recommended amendment to the Code of Ordinances Chapters 6 and 25.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There should be minimum fiscal impact to the City with this proposed change.

Submission Date and Time: 3/19/14 3:14 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <input type="checkbox"/> BW _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, DELETING CHAPTER 6 ANIMALS SUBSECTION 6-41 KEEPING CHICKENS OR FOWL AND DELETING CHAPTER 25 SUBSECTION 25-292 SUPPLEMENTAL DISTRICT REQUIREMENTS, (4) ANIMALS AND FOWL ETC. BECAUSE OF CONFLICTS WITH OTHER SECTIONS OF THE CODE AND ADDING A NEW REVISED SUBSECTION (4) THE KEEPING OF DOMESTIC ANIMALS AND FOWL TO ALLOW CHICKENS IN RESIDENTIAL DISTRICTS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The following section of the Code of Ordinances of the City of Leesburg, Florida Chapter 25 are hereby amended or replaced as follows:

CHAPTER 6
ARTICLE II. - GENERAL ANIMAL REGULATIONS

~~Sec. 6-41. — Keeping chickens or fowl.~~

~~It shall be unlawful for any person to keep, harbor, coop, pen, house, or maintain more than fifty (50) fowl on any premises within the city within five hundred (500) feet of any dwelling house where food for human beings is kept, prepared or served. It shall also be unlawful to keep any chickens or fowl within fifty (50) feet of any other dwelling house in the city. Violation of this section will be a Group I infraction as described in Article I.~~

CHAPTER 25 ZONING CODE

Sec. 25-292. - Supplemental district requirements.

- ~~(4) — Animals and fowl etc. The keeping of domestic animals and fowl shall be limited to the RE-1 residential estate district as following:~~
- ~~a. — Domestic fowl or other birds shall be limited to not more than ten (10) adult birds per acre if confined, up to a maximum total of twenty (20) adult birds.~~
 - ~~b. — Domestic hoofed mammals shall be limited to a maximum of one confined animals per acre which shall be in addition to the minimum of one (1) acre required for the dwelling. Confined as used in this section, refers to an approved fence that provide limitation on the movements of the animal on the required land area and which shall secure the animal from entering adjacent properties. Pigs are prohibited with in the city.~~
 - ~~c. — Other domestic animals for the purposes of these regulations such as adult dogs, cat, birds etc. shall be limited in all districts as follows:~~

- ~~d. A maximum of five (5) adults shall be allowed per dwelling with adequate fencing or housing.~~
- ~~e. No farm animals or fowl such as cattle, hogs, sheep, goats, horses, rabbits, chickens, turkeys, ducks, and geese or any other animal or fowl not customarily considered a domestic household pet shall be kept or maintained on any lot in a residential district.~~

(4) The keeping of domestic animals and fowl shall be limited as following:

- a. In all zoning districts, except for provisions provided in the RE-1 Residential Estate zoning district below, domestic animals or fowl being kept, harbored, raised, or maintained as accessory to a residential single-family structure, shall be subject to the following restrictions:
 - 1. No more than fifteen (15) chickens are permitted.
 - 2. The keeping of roosters are prohibited;
 - 3. Slaughtering of chickens is prohibited;
 - 4. The chickens shall be provided with a movable covered enclosure (See Exhibit Hen house/coop) and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the movable henhouse/coop during non-daylight hours;
 - 5. The space per bird in the henhouse/coop shall not be less than three (3) square feet per bird and not larger than fifty (50) square feet;
 - 6. No covered enclosure or fenced enclosure shall be located in the front or side yard, nor shall the henhouse/coop be closer than twenty (20) feet to any property line of an adjacent developed property. **Option 1 (nor within fifty (50) feet of any adjacent occupied residential structure).** Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries;
 - 7. Chicken coops and pens shall be completely screened from adjacent roadways and parcels by a four (4) foot tall solid fence **Option 2 (chain link with slats permitted)**, wall, or equivalent landscape vegetative material as approved by the City Community Development Department;
 - 8. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure for composting must be kept in an enclosed bin. All other manure shall be removed promptly;
 - 9. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;
 - 10. The sale of eggs or any other chicken products generated with the keeping of chickens under this section in a residential district may not be advertised;
 - 11. No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal;

12. Rabbits as pets shall be within a completely enclosed dwelling or detached garage or in an outside enclosure, coop or pen, up to a maximum of two (2) rabbits;
 13. Adult dogs, cat, birds etc. shall be limited in all districts to a maximum of five (5) adults per dwelling with adequate fencing and/or outside covered protection from the elements;
 14. For the keeping of chickens completion of the following two hour course "Chicken University" is highly recommended. The course is offered by the UF/IFAS Lake County Extension Office, 1951 Woodlea Rd., Tavares, FL 32778, phone (352) 343-4101 ext. 6.
- b. In the RE-1 Residential Estate zoning district:
1. Domestic fowl or other birds shall be limited to not more than ten (10) adult birds per acre up to twenty-five (25) total per two and one half acres confined. A maximum total of fifty (50) adult birds on five (5) acres with a Conditional Use Permit.
 2. Domestic hoofed mammals shall be limited to a maximum of one-confined animal per acre which shall be in addition to the minimum of one (1) acre required for the dwelling. Confined as used in this section, refers to an approved fence that provide limitation on the movements of the animal on the required land area and which shall secure the animal from entering adjacent properties.
- c. Prohibited animals and fowl:
- Except for a retail establishment engaging in the lawful sale of animals, and approved zoos/animal sanctuaries, it shall be unlawful for any person to keep, harbor, raise or maintain the following except as permitted by this section:
- (a) Any livestock.
 - (b) Farm animals or fowl such as cattle, hogs, sheep, goats, horses, rabbits, chickens, turkeys, ducks, and geese or any other animal or fowl not customarily considered a domestic household pet shall not be kept or maintained on any lot in a residential district.
- d. Variations to the site requirements maybe granted by a Conditional Use Permit where it is determined that no adverse impacts to adjacent properties will occur.
- d. Lake County Animal Control Services is responsible for enforcement of codes regarding leash and tethering of animals.
- e. A use, existing developed site, building or structure, lawfully in existence at the effective date of this section, may be continued but not expanded. Should the use discontinue for a period of ninety (90) days, any future use must comply with this code.

Exhibit Hen house/coop



SECTION II.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24th day of March, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor John Christian

Attest: _____
City Clerk Betty Richardson

Note:

Under lines new language

~~Strikethroughs deletions~~



AGENDA MEMORANDUM

Item No: 5.A.4.

Meeting Date: March 24, 2014

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending Chapter 25 Section 25-292 Supplemental District Requirements (21) Indoor recreation to address Adult Gaming Centers

Staff Recommendation:

The Planning staff and Planning Commission recommend approval of the referenced amendment to Chapter 25 Land Development Code by amending Section 25-292 Supplemental District Requirements (21) Indoor recreation to address Adult Gaming Centers.

Analysis:

Adult internet/sweepstakes redemption cafés have been highly regulated in Leesburg since their inception because of border line gaming and adverse impacts on the community. On April 10, 2013 Gov. Rick Scott signed a bill banning Internet cafes in the state. Only months after the state closed them down, internet cafés have reopened with new computer software that has supposedly changed them from a game of chance to a game of skill. Many local law enforcement authorities have conducted investigations that have resulted in the closure of these businesses in their jurisdictions.

As a result, staff has taken the initiative to prepare this LDC amendment to revise our code to restrict this type of activity while at the same protecting amusement arcades and bingo games that are lawfully conducted in accordance with the restrictions and requirements. **A revision has been inserted to add an effective date of March 10, 2014.**

The Planning Commission voted 7-0 to approve the amendment.

Options:

1. Approve the recommended amendment to the Chapter 25 Land Development Code Section 25-292 Supplemental District Requirements (21) Indoor recreation.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There should be minimum fiscal impact to the City with this proposed change.

Submission Date and Time: 3/19/14 3:14 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <input type="checkbox"/> BW <input type="checkbox"/> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. ____

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AND/OR SUPPLEMENTING CHAPTER 25 ZONING OF THE CODE OF ORDINANCES SECTION 25-292 SUPPLEMENTAL DISTRICT REQUIREMENTS (21) INDOOR RECREATION USES AS FOLLOWS, REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The following section of the Code of Ordinances of the City of Leesburg, Florida Chapter 25 are hereby amended or replaced as follows:

CHAPTER 25 ZONING CODE

Sec. 25-292 Supplemental District Requirements

(21) Indoor recreation- "Adult Gaming Center" as used in this ordinance shall mean a structure, building, edifice, facility or location, along with its grounds in which Electronic Gaming Devices are used, operated or stored in conjunction with the use of such Electronic Gaming Devices. The following regulations shall apply to all Adult internet/sweepstakes redemption cafés Gaming Centers.

- a. Only adults eighteen (18) years of age or older shall be permitted within buildings where this use is permitted.
- b. Internet/sweepstakes redemption café Adult Gaming Centers uses shall only be allowed by Conditional Use Permit in the M-1 Industrial zoning district, and in the SPUD and PUD districts. Every application seeking approval shall include for every principal, officer, shareholder, and director of the owner of the proposed Adult Gaming Center, a fingerprint card and letter certifying the results of a criminal background check generated by the Florida Department of Law Enforcement or the City of Leesburg police department.
- c. Internet/sweepstakes redemption café Adult Gaming Centers uses shall be located no closer than fifteen hundred (1500) feet to either the boundary of any residential zoning district, or to any other internet/sweepstakes redemption café Adult Gaming Centers use, or to the following uses; park, school, church, , establishment selling or serving alcoholic beverages for consumption on or off premises, or child day care.
- d. Hours of operation shall be restricted to 7:00 a.m. through 11:00 p.m., Monday through Saturday.
- e. The sale or consumption of alcohol on the premises shall be prohibited.
- f. On-site parking shall be provided at a ratio of two (2) spaces per seventy-five (75) square feet of gross leasable area or per each Electronic Gaming Device /sweepstakes equipment whichever is greater.

- g. No food shall be prepared on site, nor shall any food be catered, ordered in or otherwise brought to the site, however, on site vending machines and prepackaged snacks offered on site for sale or consumption shall be permitted.
- h. ~~Internet/sweepstakes redemption café~~ Adult Gaming Centers ~~uses~~ shall comply with Florida Statutes 849.094 "Game promotion in connection with sale of consumer products or services".
- k. Permittee shall provide the City within 90 days of issuance of a permit a copy of their approval/permit for the adult gaming center use from the Florida Department of Agriculture and Consumer Services or the permit will be suspended. The permittee may request a hearing at the next regularly scheduled Planning Commission meeting to request reinstatement of the permit, however the decision whether to reinstate this permit shall lie within the discretion of the Planning Commission and reinstatement shall not be a matter of right.
- l. No ~~internet/sweepstakes redemption cafés~~ permit or approval for the operation of any Adult Gaming Centers shall be issued to an applicant if any person with an ownership interest in the business operating the Adult Gaming Centers has been convicted of a ~~violation of a felony, or any violation of federal, state or local law,~~ statute or ordinance pertaining to gambling or any other crime involving moral turpitude within seven (7) years preceding the date of the filing of the application.
- m. ~~Internet/sweepstakes redemption cafés~~ Approval to operate an Adult Gaming Centers ~~are~~ must be granted to the applicant with a majority ownership interest in the business ~~person or operation~~ entity operating the Adult Gaming Center, and may not be transferred to another entity. ~~However, existing approved internet/sweepstakes redemption cafés operating prior to May 9, 2011 may be transferred no more than one time, to another entity, upon written notification and evidence of the conveyance to the City of Leesburg Community Development Department.~~
- n. Permittee shall not operate more than ~~fifty (50)~~ ten (10) Electronic Gaming Devices, ~~except that Permittee operating a drawing by chance offered in connection with the sale of a consumer product or service, sweepstakes or other game promotion using electronic equipment on or before January 1, 2012 in the City of Leesburg may not operate more pieces of electronic equipment than were in operation on October 31, 2011, and any reduction following the enactment of this chapter in electronic equipment pieces by such Permittee shall become permanent.-Replacing an existing piece of electronic equipment~~ Electronic Gaming Device due to a defect or upgrade shall not be deemed a reduction pursuant to this section, provided that such replacement occurs within thirty (30) days of written notice to the City of Leesburg Community Development Department that an Electronic Gaming Device requires upgrade or replacement.
- o. No drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion shall:
 - i. design, engage in, promote, or conduct a game wherein the winner may be predetermined or the game may be manipulated or rigged;

- ii. arbitrarily remove, disqualify, disallow, or reject any entry;
 - iii. fail to award any prize offered;
 - iv. print, publish, or circulate literature or advertising material which is false, deceptive, or misleading; or
 - v. require an entry fee, payment, or proof of purchase as a condition of entering.
- p. An operator conducting a drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion shall be required to:
- i. maintain a list of the names and addresses of all persons who have won prizes which have a value of more than \$25 for one (1) year.
 - ii. maintain a trust account or bond in an amount equal to the total announced value of the prizes offered or \$50,000, whichever is larger.
- q. On premises, the Permittee shall maintain the following security devices and standards:
- i. a security camera system with inside and outside visual monitoring operating twenty-four (24) hours a day and capable of recording and retrieving an identifiable image both inside and outside the premises;
 - ii. a drop safe or cash management device for restricted access to cash receipts;
 - iii. a conspicuous notice at all public entrances to premises stating cash register contains limited amount of cash;
 - iv. at exits to premises, height markers displaying height measures;
 - v. a cash management policy limiting cash on hand;
 - vi. a silent alarm system capable of notifying law enforcement; and when the premises is open for business, at least one Florida state licensed, armed security guard.
 - vii. a steel bullet resistant UL 752 Level 1 rated entry door with bullet resistant security glass Type for viewing customers entering the premises including exterior automatic locking and interior panic push hardware.
- r. For additional security, centers shall not be located in strip centers or malls where the general public including children may be located but must be in stand ~~along~~ alone building.
- s. Tinted windows or other obstructions of the view through the glass of any ~~internet/sweepstakes redemption café~~ Adult Gaming Centers shall be prohibited for purposes of visual security of police offices.
- t. ~~Existing approved internet/sweepstakes redemption cafés operating prior to May 9, 2011 shall comply with all provisions of this chapter by February 9, 2013, except for~~

those dealing with location. As used in this ordinance, the term "Electronic Gaming Device" shall mean any device, computer, terminal, video or other equipment (either mechanical or electrical in nature) that may or may not be capable of downloading games from a central server system, machine, computer or other equipment upon connection with or the insertion of, swiping, passing in range of, or any other technical means of physically or electromagnetically connecting a coin, bill, ticket, token, card or other similar object, including entering a password or pass code obtained directly or indirectly through payment of consideration or obtained as a bonus or supplement to another transaction involving the payment of consideration, which makes the devices available to play or operate computer or video simulation of any game such as slot machines, bingo, poker, keno, craps, or any other type of game ordinarily played in a casino, including a game involving the display of the results of a raffle, sweepstakes, drawing, contest, lottery, or other promotion, and which may deliver or entitle the person or persons playing or operating the device to a payoff of cash, money, or other credit, tickets, tokens, gift cards, or electronic credits to be exchanged for cash or merchandise, or any other thing of value, whether made automatically from the machine or manually.

"Owner" or "operator" shall mean any person who owns, operates, or distributes for the purpose of operating one (1) or more amusement device or Electronic Gaming Device.

"Permittee" shall mean a person in whose name a permit to operate an Adult Gaming Center has been issued, as well as all individuals listed as an applicant on the application for a permit for an Adult Gaming Center

- u. "Game promotion" means, but is not limited to, a contest, game of chance, sweepstakes, or gift enterprise, conducted by an operator within or throughout the state and other states in connection with and incidental to the sale of consumer products or services, and in which the elements of chance and prize are present. However, "game promotion" may not be construed to apply to bingo games conducted pursuant to s. 849.0931.
- v. This section does not apply to: (a) Amusement Arcades that have been and are currently operating with a Business Tax Receipt in the City of Leesburg pursuant to §849.161 Fla. Stat. on or before March 10, 2014 the effective date of this Amendment to the City of Leesburg Code of Ordinances; or (b) Bingo games lawfully conducted in accordance with the restrictions and requirements of §849.0931, Fla. Stat. which have been and are currently operating with a Business Tax Receipt in the City of Leesburg pursuant to §849.161 Fla. Stat. on or before March 10, 2014 the effective date of this Amendment with only group games and not electronic single player games with connection to offsite systems for example the internet, servers, programs etc.

SECTION II.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24th day of March, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor John Christian

Attest: _____
City Clerk Betty Richardson

Note:
Under lines new language
~~Strikethroughs deletions~~



AGENDA MEMORANDUM

Item No: 5.A.5.

Meeting Date: March 24, 2014

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending Chapter 25 Land Development Code by amending Section 25-164 Nonconforming properties and Section 25-325 Nonconforming Landscaping to require that nonconforming sites that are abandoned for a one (1) year period be brought in to compliance for corridor landscaping and monument signage when opening a new use.

Staff Recommendation:

The Planning staff and Planning Commission recommend approval of the referenced amendment to Chapter 25 Land Development Code by amending **Section 25-164 Nonconforming properties and Section 25-325 Nonconforming Landscaping** to require that nonconforming sites that are abandoned be brought in to compliance for corridor landscaping and monument signage.

Analysis:

The City Commission has indicated that it would like to provide minimum standards for enhancement of vacant nonconforming sites and to require such properties to come into compliance when opening a new use. The minimum requirements would address site signage and landscaping for the commercial corridor areas along US 27 and 441. The intent of this code provision is to provide a tool to enhance the aesthetics of our corridors to promote development of these areas. To that end, staff has developed this section to address these concerns.

Staff recommends the addition of Section 25-164 "Nonconforming properties" which allows the continuation of nonconforming sites until such time as they have been vacant or otherwise abandoned for a one (1) year period. The ordinance also allows current operating nonconforming uses a one-time expansion. Section 25-325 provided criteria in a similar manner for non-conforming landscaping.

The Planning Commission voted 7-0 to approve the amendment.

Options:

1. Approve the recommended amendment to the Code of Ordinances Chapter 25 Land Development Code Section 25-290 Temporary Uses.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There should be minimum fiscal impact to the City with this proposed change.

Submission Date and Time: 3/19/14 3:14 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <input type="checkbox"/> BW _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,
AMENDING AND/OR SUPPLEMENTING CHAPTER 25
ZONING OF THE CODE OF ORDINANCES SECTIONS 25-164
NONCONFORMING PROPERTIES AND 25-325
NONCONFORMING LANDSCAPING AS FOLLOWS,
REPEALING CONFLICTING ORDINANCES; PROVIDING A
SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The following section of the Code of Ordinances of the City of Leesburg, Florida Chapter 25 are hereby amended or replaced as follows:

CHAPTER 25 ZONING CODE

Sec. 25-164 - Nonconforming developed properties.

- (a) ***Continuation of use.*** A use, existing developed site, building or structure, lawfully in existence at the effective date of the article, which was nonconforming at the time this section was enacted, or made nonconforming by the passage of this section or any applicable amendment thereto may be continued except as otherwise provided in this division.
- (b) ***Regulation of nonconforming uses, sites and structures.*** No existing developed site, building or premises which does not conform in one or more ways to any requirement of this code shall not be redeveloped, enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming site or use, or when required to do so by law, or as follows:
 - (1) ***Restoration.*** Any nonconforming site, sign or structure which has less than fifty (50) percent of its previous existing site or floor area made unsafe or unusable may be restored, reconstructed, or used as before, provided that the site or floor area of such use, building or structure shall not exceed the site or floor area which existed prior to such damage. All repairs shall be completed within six (6) months after damages occur or such site or structure shall not be rebuilt unless brought into compliance with this code.
 - (2) ***Repairs.*** Normal maintenance, repairs and incidental alteration of a site or structure which does not comply with this code or which contains a nonconforming use is permitted, provided it does not extend the area or volume of the structure or space occupied by the nonconforming use. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability; provided, however, that no structural alterations shall be made which would increase the number of dwelling units, or the size of the nonconforming structure.

- (3) **Expansion.** Nonconforming uses, sites and structures which exist at the adoption of this article may apply for one (1) expansion with site plan approval. Such expansion must not exceed twenty-five (25) percent of the site or total floor area. Such expansion must not create additional nonconformities, objectionable, undesirable or out of character nuisances in the zoning district where located.
- (c) **Termination of nonconforming uses and structures.**
 - (1) **Abandonment.** A nonconforming sign, site or use which is not used or which is vacant (not operated without interruption) for a period of one year, or the change of use to a more restricted use for any period of time, shall be considered terminated and/or abandoned thereof and such nonconforming sign, site or use shall not thereafter be revived without being brought into compliance with this section.
 - (2) **Partial destruction.** When fifty (50) percent or more of the existing floor or site area of a nonconforming structure or site is destroyed by fire or other casualty or act of God and as a result becomes unsafe or unusable, the sign, site or use of such property, as a nonconforming use of the property, shall thereafter be terminated.
 - (3) **Termination or required modification of certain uses.** Each of the nonconforming properties, structures, signs or uses specified is deemed sufficiently objectionable, undesirable and out of character in the zoning district in which such use or structure is located as to depreciate the value of the property and uses permitted in the district and otherwise inhibit the proper and orderly development of such district. Therefore, each such nonconforming property, use or structure, once determined to be terminated and/or abandoned under this section, shall be required to comply with requirements per this section in the event of any change in use.
 - (4) **Site design requirements** of nonconforming properties required to comply with this section shall include landscaping along the front property boundary adjacent to the street corridor and adjacent to the building façade visible to the corridor. In addition, existing pole and building signs shall be brought into compliance with monument sign and building sign requirements for the property visible to the corridor. Adjustments of site improvements required by this section shall be determined by the Community Development Director as related to the overall corridor design improvements.

Sec 25-325. Nonconforming Landscaping.

A. Nonconforming Landscaping. For landscaping that is nonconforming, the following shall apply:

1. Existing development shall comply with the landscape regulations of Sections 25-327, 25-328 and 25-329 when the floor area of a structure or parking area is increased by twenty-five (25) percent or more.
2. Where the increase in area of a new structure, an additional structure, parking area or vehicular use area is less than any of the requirements of subsection (1) above, only the new structure, addition, increased parking area or increased vehicular use area shall be buffered in accordance with these provisions.
3. Nonconforming site or use landscaping which is not maintained or which is vacant (not operated without interruption) for a period of one year, or the change of use to a more restricted use for any period of time, shall be considered termination and/or abandonment thereof and such nonconforming site or use landscaping shall not thereafter be revived without being brought into full compliance with this code.
4. Each of the nonconforming sites or landscaping specified is deemed sufficiently objectionable, undesirable and out of character in the zoning district in which such sites or landscaping is located as to depreciate the value of the property and uses permitted in the district and otherwise inhibit the proper and orderly development of such district. Therefore, each such nonconforming site or landscaping, once determined to be terminated and/or abandoned under this section, shall be required to comply with ***Section 25-164-Nonconforming developed properties*** of the code in the event of any change in use.
5. Nonconforming landscaping shall not be required to be brought into compliance as a result of a natural disaster.

SECTION II.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24th day of March, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor John Christian

Attest: _____
City Clerk Betty Richardson

Note:

Under lines new language

~~Strikethroughs deletions~~



AGENDA MEMORANDUM

Item No: 5.A.6.

Meeting Date: March 24, 2014

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending Chapter 25 Land Development Code Section 25-292 Supplemental district requirements by adding (23) Outdoor Sales Display and Storage requirements

Staff Recommendation:

The Planning staff and Planning Commission recommend approval of the referenced amendment to Chapter 25 Land Development Code Section 25-292 Supplemental district requirements by adding (23) Outdoor Sales Display and Storage requirements.

Analysis:

The City Commission has indicated that it would like to require minimum standards for outdoor sales display and storage on properties within the City. The intent of the requirements is to provide a tool to enhance the aesthetics of our commercial corridors to promote development of these areas. To that end, staff has developed this section to address these concerns.

The proposed outdoor sales display and storage requirements would provide for minimum standards for properties that require only minor outside sales display while at the same time exempting those properties that typically have their products displayed outside, for example landscape materials, autos and building materials etc. Businesses that have limited areas outside for displaying merchandise would be affected more than businesses with sufficient property. The Industrial or Central Business District zoning districts are also exempt and are regulated under other sections of the LDC.

The Planning Commission voted 4-3 to approve the amendment after various motions failed.

“Mr. Wiley said that he will indicate in the recommendations to the City Commission that the ‘nay’ votes were based on the effect they would have on small businesses.”

Options:

1. Approve the recommended amendment to the Code of Ordinances Chapter 25 Land Development Code Section 25-292 Supplemental district requirements.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There should be minimum fiscal impact to the City with this proposed change.

Submission Date and Time: 3/19/14 3:14 PM

<p>Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <input type="checkbox"/> BW _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AND/OR SUPPLEMENTING CHAPTER 25 ZONING OF THE CODE OF ORDINANCES SECTION 292 SUPPLEMENTAL DISTRICT REQUIREMENTS BY ADDING SUBSECTION (23) OUTDOOR SALES DISPLAY AND STORAGE AS FOLLOWS, REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The following section of the Code of Ordinances of the City of Leesburg, Florida Chapter 25 are hereby amended or replaced as follows:

CHAPTER 25 ZONING CODE

CHAPTER 25–292 Supplemental district requirements
(23) Outdoor Sales Display and Storage

Definitions, of “Outdoor sales display and storage” shall read as follows:

“**Outdoor storage**” means the storing or maintaining, exterior to any permanent, fully enclosed building or structure of goods, merchandise, inventory, equipment or other tangibles for any purpose other than outdoor sales display as defined in this section. The term outdoor storage shall not include semitrailers, equipment and vehicles in industrial or the central business district areas.

“**Outdoor sales display**” means the displaying of goods, merchandise or products outdoors such that the items are readily available for sale at retail on the same lot and in conjunction with a permitted or conditional use which is otherwise operated entirely within a permanent fully enclosed building.

The following requirements apply to all Outdoor Display and Storage in all nonresidential zoning districts.

A. **Outdoor Display**. Outdoor Sales Display shall adhere to the following standards:

1. Outdoor Display of merchandise shall not occupy any required parking spaces, landscape area, pedestrian accessibility or fire lane. Items located on a porch of a building are considered to be outside if the porch is not enclosed.
2. Outdoor Display shall not extend into public sidewalk or right-of-way or onto adjacent property and must not extend more than 15 feet outside of the principal structure or within 15 feet of adjacent public streets.
3. The outdoor display area shall not exceed ten (10) percent of the square footage of the principal structure or 500 square feet whichever is less.
4. Outdoor Display shall be displayed in a neat and orderly manner and maintained in a clean, litter-free manner.

5. Outdoor Sales Display merchandise shall not be placed, stored, or maintained outside, except during normal hours of operation of the business but not between sundown and sunup each day.
6. Outdoor Display may not be located on the roof of any structure.
7. All sales of such merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located out of doors.
8. The maximum height of merchandise shall not exceed four (4) feet with the exception of vehicles which may not exceed fourteen (14) feet in height.
9. Outdoor Display is not required to be screened.

B. **Outdoor Storage.** Outdoor storage on a temporary or permanent basis shall adhere to the following standards:

1. Outdoor storage areas are allowed for the purpose of storing goods for a nonresidential enterprise. All outdoor storage areas shall meet each required district building setback lines.
2. The location of outdoor storage areas shall be limited to the side or rear of the primary structure to which the facility belongs and a minimum 4' from the principal building. Items located on a porch of a building are considered to be outside if the porch is not enclosed. At no point should materials be located in front of any portion of the principle building.
3. A six (6) foot solid fence or wall is required to screen outdoor storage when the property is located adjacent to property zoned more restrictive than the subject site or when located along U.S. 27, SR 441, SR44 and East/West Main Street and visual from the from said corridors. This requirement is in addition to the requirements of Section 25-323-Landscape through Section 25-328 except where there is conflict this provision controls.
4. Outdoor storage shall be prohibited on the roofs of structures.
5. The outdoor storage area shall not encroach upon the required off-street parking, pedestrian access, fire lanes and maneuvering areas of the site.
6. The outdoor storage area is limited to a maximum 5% of the square footage of the principal structure or tenant space, whichever is less, within office, retail and commercial zoning districts.

C. **Site specific requirements.** Outdoor Sales and Storage can be adjusted through a Conditional Use Permit granted by the Planning Commission that is in keeping with the intent of these provisions and will not adversely affect neighboring property.

D. **Exemptions.** The following uses are exempt from the requirements set forth in this Section.

1. Areas designated for the outdoor sale, display or storage of monument head stones, plant material including live plants, fruits and vegetables and related plant materials. This exemption includes rock, mulch, pavers, building and landscape materials including bird baths, fountains etc., and lumberyards or new building materials.
2. Sale, display, or storage areas for automobile and trucks, boat and similar passenger and recreational vehicles, garden and farm equipment, or truck/trailer rentals which

have met applicable requirements as set forth in these regulations and all other applicable laws, rules, and regulations.

3. Retail operations that occur under a permitted permanent roofed canopy structure attached to the principal structure on the lot or per their approved site plan.
4. Uses that are in the Industrial or Central Business District zoning districts.

E. **Compliance** with the conditions of this section will become effective on May 1, 2014.

SECTION II.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 24th day of March, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor John Christian

Attest: _____
City Clerk Betty Richardson



AGENDA MEMORANDUM

Item No: 5B.

Meeting Date: March 24, 2014

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending Chapter 25 Zoning Section 25-292 by adding a new Subsection (22) Location of Helicopter Landing Areas in a PUD (Planned Unit Development) zoning district.

Staff Recommendation:

The Planning staff and Planning Commission recommend approval of the referenced amendment to Chapter 25 Land Development Code by amending Section 25-292 by adding a new Subsection (22) Location of Helicopter Landing Areas in a PUD (Planned Unit Development) zoning district.

Analysis:

The City Commission has previously indicated that it would like to address regulations for helicopter landing sites in residential areas through a PUD (Planned Unit Development) zoning district where there would not be adverse impacts to adjacent residential areas. Currently, helicopter landing sites are only permitted in the Public Zoning District and as approved accessory uses such as for Leesburg Regional Medical Center. To that end, staff has developed this section to amend Chapter 25 by adding Section 25-292 (22) Location of Helicopter Landing Areas.

By a vote of 7 to 0 on January 16, 2014, the Planning Commission voted to recommend approval.

Options:

1. Approve the recommended amendment to the Code of Ordinances Chapter 25 Zoning Section 25-292 Supplemental district requirements to add Subsection (22) Location of Helicopter Landing Areas.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There should be minimum fiscal impact to the City with this proposed change.

Submission Date and Time: 3/19/14 3:14 PM

Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Revised 6/10/04	Reviewed by: Dept. Head <input type="checkbox"/> BW _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AND/OR SUPPLEMENTING CHAPTER 25 ZONING OF THE CODE OF ORDINANCES BY ADDING SUBSECTION (22) LOCATION OF HELICOPTER LANDING AREAS AS FOLLOWS, REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

The following section of the Code of Ordinances of the City of Leesburg, Florida Chapter 25 are hereby amended or replaced as follows:

CHAPTER 25 ZONING CODE

Sec. 25-292. - (22) Location of Helicopter Landing Areas. The following regulations will apply to the location of any Helicopter Landing Site. Capitalized terms used in this subsection shall have the meanings ascribed to them in Chapter 4, Article III of this Code:

- a. No Helicopter Landing Site may be located in any zoning district within the City of Leesburg unless specifically permitted by a PUD (Planned Unit Development) District, except that helicopters may land and take off from the Leesburg International Airport, Approved Public Property, and an as approved accessory uses such as for Leesburg Regional Medical Center in accordance with airport and Federal Aviation Administration regulations.
- b. No PUD or other approval may be issued for any Helicopter Landing Site until the applicant has furnished to the City a completed application seeking approval from the Federal Aviation Administration to locate a Helicopter Landing Site at the proposed location, with proof the application has been filed and all fees due for the application have been paid. Any permit or approval for a Helicopter Landing Site shall be contingent on receipt by the City of final approval by the Federal Aviation Administration for the Helicopter Landing Site, within 90 days after issuance of the permit or approval. If the application is not approved by the Federal Aviation Administration within that 90 day period, or is disapproved, the permit or approval shall be deemed revoked as a matter of law without the requirement of notice to the applicant by the City. No Helicopter Landing Site for which a permit or approval has been issued may be utilized for helicopter operations until the final Federal Aviation Administration approval has been granted.
- c. All applications for a Helicopter Landing Site shall contain or be accompanied by the following:

1. Name and address of the applicant, and if the applicant is not a natural person, the name and address of a natural person who will be representing the applicant in the approval process and be responsible for the accuracy of all information submitted.
 2. A certificate of insurance providing public liability and property damage coverage of at least \$2,000,000.00 combined single limit, with the City of Leesburg named as an additional insured party.
 3. A noise study from a firm licensed to conduct such studies, setting forth the effect the noise from helicopter operations at the proposed Helicopter Landing Site (including approach zones) will have on surrounding property owners, and concluding that the noise will not constitute a nuisance to or be deleterious to the owners and occupants of surrounding property. The study must be addressed to the City and authorize the City to rely on the study for its intended purpose of demonstrating no ill effects from the noise associated with the Helicopter Landing Site.
 4. Such other material as may be required by the City for evaluation of the application, in order to protect the public health and safety.
- d. Construction of a Helicopter Landing Site shall not be commenced, nor shall site preparation work be allowed, until both a Planned Unit Development District rezoning has been issued and final Federal Aviation Administration approval has been secured.

SECTION II.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV.

This ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2014.

THE CITY OF LEESBURG, FLORIDA

BY: _____
Mayor John Christian

Attest: _____
City Clerk Betty Richardson



AGENDA MEMORANDUM

Item No: 5C.

Meeting Date: March 24, 2014

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance rezoning approximately 42 acres generally located east side of Fern Drive, north of Sunnyside Drive, to add a PDO (Planned Development Overlay) district to a R-2 (Medium Density Residential) District to modify the sidewalk and buffer wall design requirements. (Ashton Woods)

Staff Recommendation:

The Planning staff and the Planning Commission recommend approval of the proposed rezoning for the subject property to the PDO (Planned Development Overlay) district to modify the sidewalk and buffer wall design requirements.

Analysis:

The development is approximately 42 acres with 116 single-family lots and five existing homes. The subdivision is generally located east side of Fern Drive, north of Sunnyside Drive, as shown on the attached General Location Map. The present zoning for this property is City R-2 (Medium Density Residential) with a Preliminary Subdivision Plan with conditions approved May 5, 2005 (See Exhibit C). The conditions required the construction of a buffer wall along collector roads and the current owner is requesting split rail stone and PVC fence with decorative 2x2 posts approximately every one hundred feet along the boundaries and the ends of the project. Currently, the property is a single family subdivision with approximately developed. The

The proposed zoning district of City PDO (Planned Development Overlay) is compatible with the adjacent and nearby properties in the area and with the existing future land use designations of Lake County Urban Low Density, City Estate, City Low Density and Lake County Rural Transition.

The existing land uses surrounding the property are single family residential, undeveloped and plant nursery. Currently, the property has City utilities.

By a vote of 7 to 0 on February 20, 2014, the Planning Commission voted to recommend approval of the rezoning.

Options:

1. Approve the proposed addition of the City PDO (Planned Development Overlay) zoning thereby allowing consistent zoning and development standards for this area.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There will be a positive fiscal impact to the City through the continued development of this property.

Submission Date and Time: 3/19/14 3:14 PM

Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head <u>BW</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 42 +/- ACRES WITH R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING TO ADD A PDO (PLANNED DEVELOPMENT OVERLAY) FOR THE PURPOSE OF MODIFYING THE SIDEWALK AND BUFFER WALL DESIGN REQUIREMENTS FOR DEVELOPMENT CALLED ASHTON WOODS LOCATED ON THE EAST SIDE OF FERN DRIVE, JUST NORTH OF SUNNYSIDE DRIVE, AS LEGALLY DESCRIBED IN SECTION 30, TOWNSHIP 19, RANGE 25, LAKE COUNTY, FLORIDA, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE. (Ashton Woods)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Ashton Woods Builders, LLC or assigns, the owner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby granted to add a City PDO (Planned Development Overlay) district to a City R-2 (Medium Density Residential) zoning district subject to conditions contained in Exhibit A to-wit:

LEGAL DESCRIPTION

See attached Legal Description Exhibit B

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2014.

THE CITY OF LEESBURG

By: _____
Mayor John Christian

ATTEST:

Betty Richardson, City Clerk

**ASHTON WOODS
PLANNED DEVELOPMENT OVERLAY CONDITIONS
FEBRUARY 20, 2014**

This Planned Development Overlay Conditions for a PDO zoning district is granted by the City of Leesburg Planning and Zoning Commission, Lake County, Florida to Ashton Woods Builders LLC "Permittee" for the purposes and terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-276 of the City of Leesburg Land Development Code, as amended.

BACKGROUND: The "Permittee" is desirous of obtaining a Planned Development Overlay District (PDO) zoning district to revise the Preliminary Plan Conditions, Exhibit C, to allow construction of a split rail stone and PVC fence along the boundaries of the project adjacent to public streets (Fern and Sunnyside Drives) instead of the required buffer wall. Development generally located east and west of Newell Hill Road, north of Bentley, south of Lake Griffin, on a site within the City of Leesburg in accordance with their PDO application and supplemental information.

1. **PERMISSION** is hereby granted to Ashton Woods Builders LLC to construct, operate, and maintain a Planned Development Overlay (PDO) zoning district in and on real property in the City of Leesburg. The property is generally located on the east side of Fern Drive, south of Sunnyside Drive. The property is more particularly described as follows:

LEGAL DESCRIPTION:
See attached legal Exhibit B.

2. **LAND USE**
The above-described property, containing approximately 42 acres and 116 residential lots, used for single-family detached residential, pursuant to City of Leesburg development codes and standards.

A. Design Requirements

- (1) The Preliminary Plan Conditions, Exhibit C, are amended and incorporated into this PDO as follows:
 - a. Construction of a split rail PVC fence with decorative 2x2 posts approximately every one hundred feet along the boundaries and the ends of the project adjacent to public streets (Fern and Sunnyside Drives) shall be required prior to any additional Certificate of Occupancy. (See exhibit D).
 - b. Construction of sidewalks are required along the boundaries of the project adjacent to public streets (Fern and Sunnyside Drives) shall be required prior to any additional Certificate of Occupancy. In addition, sidewalks shall be required along one side of all internal subdivision roads and construction shall be completed as each house is completed.
 - c. The dedicated recreation area shall be completed for a tot-lot (See Exhibit E) by the developer prior to any additional Certificate of Occupancy. Final design to be approved by city staff.

3. MISCELLANEOUS CONDITIONS

- A. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- B. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- C. The transfer of ownership or lease of any or all of the property described in these PDO Conditions shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the established by this PDO and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- D. This PDO shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

LEGAL DESCRIPTION

EXHIBIT B

Lots 1-116 of Ashton Woods, a residential subdivision, according to the plat thereof, recorded in Plat Book 62, Pages 74 to 76, inclusive, of the Public Records of Lake County, Florida.

PREVIOUS PRELIMINARY PLAN CONDITIONS

EXHIBIT C

CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

OWNER: CHARLES MILLER & ANDREW MILLER
PROJECT: ASHTON WOODS
REQUEST: REVIEW OF PRELIMINARY SUBDIVISION PLAN
CASE NO.: 034-PP-050505
MEETING DATE: MAY 5, 2005

THE PLANNING & ZONING DIVISION RECOMMENDS:

APPROVAL of the request

for the following reason(s):

1. The Preliminary Subdivision Plan meets the requirements of Chapter 7.3 – Subdivision Development Standards for Preliminary Subdivision Plans of the Land Development Code of the City of Leesburg Code of Ordinances.

with the following condition(s):

1. Additional right-of-way from the center line of the road along Fern Drive of 33' and Sunnyside Drive of 40' shall be dedicated and deeded to Lake County for additional right-of-way use.
2. The entrance road off Fern Drive (Road Name A) shall be relocated to the approximate area of Lot 44 to line up with the future development of the Burlynn Farm LLC (Alternate Key 2856971) and Burnsed R Dewey & Clifton L Bridges (Alternate Key 1207665) property to the west.
3. Sidewalks are required adjacent to the development along Fern Drive on the east side and along Sunnyside Drive on the north side. In addition, sidewalks shall be required along one side of all internal subdivision roads.
4. A dedicated recreation area per code of at least 23,800 square feet shall be required for development of a tot-lot in the development with final location approved by staff. Site plan to be shown on plans with equipment installation to be completed by the developer.
5. Development of a buffer wall along collector roads (Sunnyside Drive) shall be required as per Section 5.16 of the Land Development Code.
6. A restrictive access easement along Fern Drive and Sunnyside Drive shall be required to prohibit access to the rear of lots along adjacent roads.

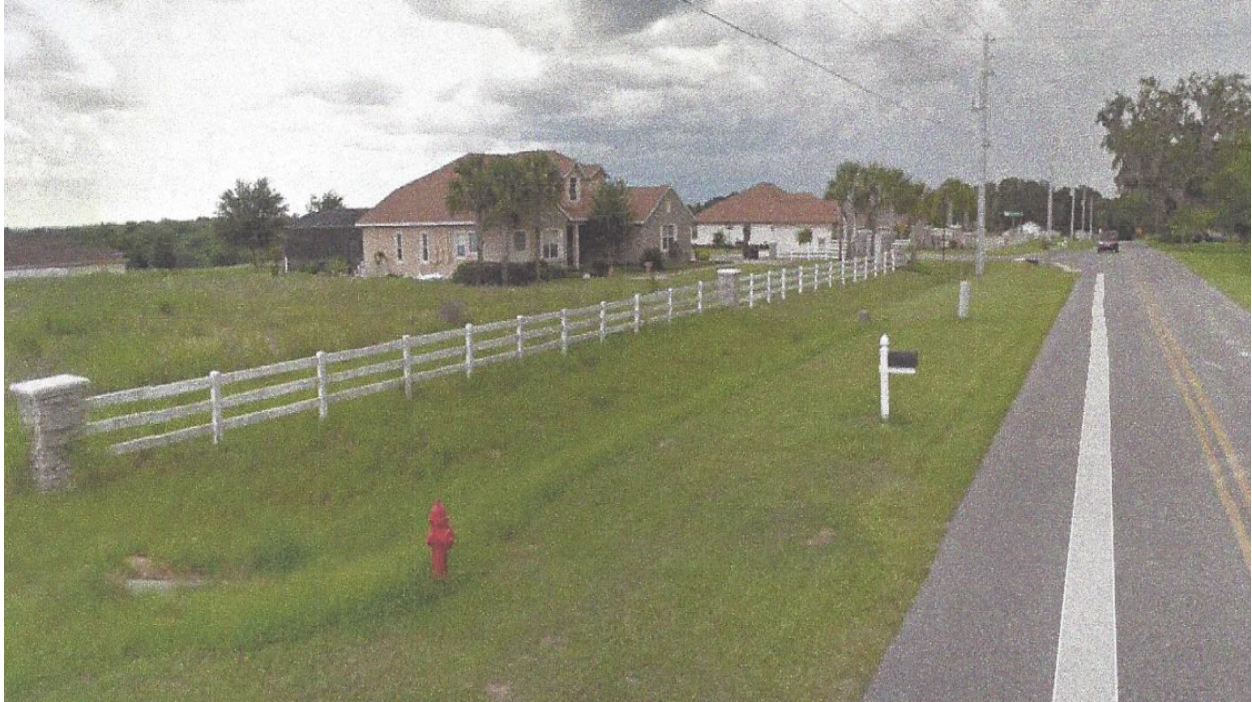
Action required:

1. Pass a motion approving the referenced Preliminary Subdivision Plan with conditions proposed by staff.

THE PLANNING COMMISSION MOVES:

APPROVAL of the request as recommended by the Planning & Zoning Division,

VOTE: 6 - YEA; 1 - NAY



DECREATIVE SPLIT RAIL PVC FENCE TO TIE INTO DECREATIVE ENTRANCE
(DECREATIVE ENTRANCE TBD BY OWNER)



CONCEPTUAL TOT-LOT

EXHIBIT E





AGENDA MEMORANDUM

Item No: 5D.

Meeting Date: March 24, 2014

From: DC Maudlin, Public Works Director

Subject: Resolution of the City Commission authorizing the Mayor and City Clerk to execute Task Order 1 with Jones Edmunds & Associates, Inc. for professional engineering services related to the Avante Sewer Line Relocation and Rehabilitation Project

Staff Recommendation:

Staff recommends adoption of the resolution authorizing the execution of Task Order 1 with Jones Edmunds & Associates, Inc. related to the Avante Sewer Line Relocation and Rehabilitation Project.

Analysis:

The City has a competitively awarded continuing services contract with Jones Edmunds & Associates, Inc. (JEA), to provide professional engineering services pursuant to resolution 9344.

Approval of Task Order 1 allows JEA to perform engineering services for the project that includes surveying, engineering, permitting, and limited construction services to relocate an existing 10-inch sanitary sewer line located under the Avante Rehabilitation Center. The relocated line shall be designed and constructed within the right-of-way of Edgewood Avenue and Chester Street, approximately 280 ft. in length. The rehab portion of the project will be to rehab in place an existing 10-inch vitrified clay sanitary sewer line that runs under the parking lot of Avante, approximately 150 ft. in length.

Options:

1. Approve the attached resolution authorizing execution of Task Order No. 1 with Jones Edmunds & Associates, Inc.; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

Funding for design is available for this project in the current fiscal year.

Submission Date and Time: 3/19/2014 3:14 PM

Department: <u>Public Works</u>	Reviewed by: Dept. Head _____	Account No. <u>044-4099-535-6310</u>
Prepared by: <u>Terry Pollard</u>	Finance Dept. <u>BLM,</u>	Project No. <u>440002</u>
Attachments: Yes <input checked="" type="checkbox"/> No _____	Deputy C.M. _____	WF No. <u>0872373</u>
Advertised: _____ Not Required <input checked="" type="checkbox"/>	Submitted by: _____	Budget <u>\$29,830.00</u>
Dates: _____	City Manager _____	Available <u>\$29,830.00</u>
Attorney Review : Yes _____ No <input checked="" type="checkbox"/>		
_____ Revised 6/10/04		

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE TASK ORDER 1 WITH JONES EDMUNDS & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE AVANTE SEWER LINE RELOCATION AND REHABILITATION PROJECT FOR A COST NOT TO EXCEED \$29,830.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute Task Order Number 1 under a Master Agreement with JONES EDMUNDS & ASSOCIATES, Inc. whose address is 730 NE Waldo Road, Gainesville, FL 32641, for professional engineering services regarding the Avante Sewer Line Relocation and Rehabilitation project.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 24th day of March 2014.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 5E.

Meeting Date: March 24, 2014

From: DC Maudlin, Public Works Director

Subject: Resolution authorizing execution of a Task Order to Jones Edmunds and Associates, Inc. for professional engineering services related to the Oak Drive Water Main Upgrade Project

Staff Recommendation:

Staff recommends adoption of the resolution authorizing the execution of Task Order 2 with Jones Edmunds and Associates, Inc. related to the Oak Drive Water Main Upgrade Project.

Analysis:

The City has a competitively awarded continuing services contract with Jones Edmunds and Associates, Inc. (JEA), to provide professional engineering services pursuant to resolution 9344.

Approval of Task Order 2 for \$43,660.00 allows JEA to perform engineering design services for a project that includes surveying, engineering, permitting, bidding services, and limited construction phase services to replace approximately 4,000 linear feet of 2-inch galvanized steel pipe with new 6-inch DR-18 PVC pipe along Oak Drive. These upgrades will include 66 new water services and fire hydrants in the area.

The new 6-inch PVC water mains will be installed by open cut construction unless directional drilling is determined to be the more economical method of construction. New service lines will be constructed to existing water meters and to vacant lots, and new fire hydrants will be installed in the project area at locations designated by the City.

Options:

1. Approved the attached resolution authorizing the execution of Task Order 2 Jones Edmunds & Associates, Inc., or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Funding is specifically budgeted for this purchase in the current fiscal year.

Submission Date and Time: 3/19/2014 3:14 PM

Department: <u>Public Works</u> Prepared by: <u>Terry Pollard</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> , _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>043-3099-533-3130</u> Project No. <u>430002</u> WF No. <u>0872089</u> Budget <u>\$43,660.00</u> Available <u>\$43,660.00</u>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE TASK ORDER 2 WITH JONES EDMUNDS & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE OAK DRIVE WATER MAIN UPGRADE PROJECT FOR A COST NOT TO EXCEED \$43,660.00; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute Task Order 2 with JONES EDMUNDS & ASSOCIATES, INC. whose address is 730 NE Waldo Road, Gainesville, FL 32641 for professional engineering services regarding the Oak Drive Water Main Upgrade Project.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 24th day of March 2014.

Mayor

ATTEST:

City Clerk